

Update: Sexual Assault Benchbook

CHAPTER 10

Other Remedies for Victims of Sexual Assault

10.6 Concurrent Criminal and Civil Proceedings

B. The Victim's Use of Judgments or Orders From Criminal or Juvenile Proceedings as Evidence in Civil Actions

Insert the following "Note" at the top of page 505, after the December 2002 update:

Note: MRE 410 prohibits the admission of nolo contendere pleas except "in a civil proceeding to support a defense against a claim asserted by the person who entered the plea." MRE 609 permits the impeachment of a witness' credibility with proof of a conviction of a crime involving dishonesty or a false statement. The Court of Appeals in *Shuler v Michigan Physicians Mutual Liability Company*, ___ Mich App ___, ___ (2004), held that MRE 410 and MRE 609 do not conflict with each other. The Court stated:

"MRE 410 excludes evidence of a *plea* of no contest, while MRE 609 permits use of certain *convictions* for impeachment purposes, regardless whether the specific conviction followed a guilty plea, a no-contest plea, or a not-guilty plea." *Id.* at ___ (emphasis in original).